



City of Greenville

Notice of Administrative Decision for Application # CU 16-224

This public notice is mailed to property owners within 300 feet of the subject property

Property Address: 1025 WOODRUFF RD G101 (TMS#: 054702-01-02504)

Application: Conditional Use Permit to operate a restaurant after midnight on Fridays and Saturdays in a PD, Planned Development District

Decision: Approved with Conditions

Conditions:

- 1) The Conditional Use Permit is limited to the Applicant, Forty-One Inc, and the business known as "Tin Lizzy's Cantina," and is not transferrable.
- 2) Operation of the facility shall be limited to a 'restaurant' as defined by the City Code and substantially conform to the information provided by the Applicant to the Technical Advisory Committee and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Conditional Use Permit.
- 3) The establishment shall be permitted to operate past Midnight on Fridays, Saturdays, New Year's Eve, and Cinco de Mayo, and shall close no later than 2:00 AM following those days. At all times during its occupancy, the Applicant shall assign a manager on the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
- 4) The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
- 5) Maximum occupancy shall be determined by the City Building Codes department based on an approved seating plan. The Applicant shall designate staff to be responsible for monitoring the occupant capacity, preventing over-crowding, and maintaining clear paths of egress.
- 6) The Applicant shall retain a minimum of one (1) outdoor security person during any hours of operation between 10 PM and 2 AM. The security person must possess a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified. The Technical Advisory Committee (TAC) may reevaluate the requirement after at least six (6) months of business operation.
- 7) Live entertainment shall be limited to ambient background musicians. Exterior sound amplification is prohibited except for the transmission of background music through the in-house sound system and directed toward interior spaces. Tables, chairs, and other furnishings shall not be moved to provide dance floor areas.
- 8) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinance shall be posted in conspicuous locations and shall be enforced by the proprietor.
- 9) A copy of the Conditional Use Permit shall be maintained with other posted occupancy information on the premises and made available for code enforcement inspections.

By application filed 4/06/16 the Applicant, Forty-One Inc dba "Tin Lizzy's Cantina" requested a Conditional Use pursuant to Section 19-2.3.6, *Conditional Use Permit*; Section 19-4.1, *Table of Uses*; and Section 19-4.3.3, *Use Specific Standards*, of the Greenville City Code to operate a restaurant after midnight in a PD, Planned Development District. Notice was mailed to property owners within 300 feet of the subject property on April 15, 2016. The Applicant met with the Technical Advisory Committee on April 18, 2016.

Findings:

- The Technical Advisory Committee made sufficient findings to recommend approval of the permit, subject to the conditions enumerated above and the Report of the Technical Advisory Committee.
- The use complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of Section 19-4.3, *Use Specific Standards*.
- The infrastructure capacity is adequate to serve the conditional use.
- The use complies with the standards for granting a special exception:

The use is consistent with the comprehensive plan. The Future Land Use Map of the City's comprehensive plan designates the area as "Mixed-Use Regional," which is intended to include regional malls, large retail stores and destinations.

The use is compatible with the character of surrounding lands. Surrounding properties include shopping centers with commercial outparcels along Woodruff Road, including several restaurants that operate until 2 AM. The use is located within the Magnolia Park planned development, which has been redeveloping into a concentration of retail and late-night entertainment establishments.

Adverse impacts that may be associated with the use are intended to be addressed by the conditions enumerated above. There are no residential districts in the vicinity that would be impacted and several other businesses with similar operations are subject to similar zoning permit conditions.

Appeal:

Any person believing that the administrator erred in its decision has the right to appeal the decision to the City of Greenville Board of Zoning Appeals. The appeal form and fee must be submitted to the Planning and Development office within 10 business days after the decision is made, and must state the reasons he or she believes the decision is illegal, either in whole or in part.

Conditional Use Permit:

The Conditional Use Permit issued to the Applicant is required to be maintained with other posted occupancy information on the premises, available to city inspectors.

General Information:

The appropriate responsible party must obtain any necessary permits, certificates and/or licenses from the City of Greenville Permits and Licenses Office before beginning work, occupying premises, or starting a business.

Failure to comply with any conditions prescribed in conformity with the City of Greenville Code of Ordinances (Land Management), when made part of the terms under which this Conditional Use is granted, shall be deemed a violation of the City Code, punishable under penalties established by City Code.



Nathalie Schmidt, AICP
Development Planner

June 2, 2016

Date



Office Use Only:

Application# 0016-024 Fees Paid _____

Date Received 4-6-2016 Accepted By _____

APPLICATION FOR CONDITIONAL USE CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Forty-One, Inc. Tin Lizzy's Cantina
**Operator of the proposed use;* Name Title / Organization
permit may be limited to this entity.

APPLICANT'S REPRESENTATIVE: Steven Ross Waller Local contact/manager
(Optional) Name Title / Organization

MAILING ADDRESS: 2030 Powers Ferry Rd., Ste. 460, Atlanta, GA 30339

PHONE: 404-430-2412 EMAIL: ross@tinlizzyscantina.com

PROPERTY OWNER: Magnolia Park Greenville, LLC

MAILING ADDRESS: 20 South Clark St., Ste. 3000, Chicago, IL 60603

PHONE: 312-279-5963 EMAIL: info@wilkow.com

PROPERTY INFORMATION

STREET ADDRESS: 1025 Woodruff Rd., Ste. G101, Greenville, SC 29607

TAX PARCEL #: 0547020102504 ACREAGE: 38.801 ZONING DESIGNATION: PD

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Restaurant
with extended hours until 2 am on Fridays and Saturdays

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be submitted to the planning and development office during normal business hours.
2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a conditional use). See also **Section 19-2.3.6, Conditional Use Permit**, for additional information. You may attach a separate sheet addressing these questions.
3. For conditional use requests for nightclubs/bars, event venues, or businesses operating after midnight, the applicant must also submit the [Zoning Compliance Application for Establishments Serving Beer, Wine, or Liquor](#).

APPLICATION FOR CONDITIONAL USE
FORTY-ONE, INC DBA TIN LIZZY'S CANTINA
ADDENDUM

1. Describe the ways in which the proposal complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of *Section 19-4.3, Use Specific Standards*.

The proposal is for nothing more than allowing an existing restaurant to remain open past midnight (and until 2 am) on Friday and Saturday nights. None of the concerns promulgated by Section 19-4.3 are an issue for the following reasons:

- There is no concern of on-site traffic impacting abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m. because this restaurant is located within Magnolia Park which is a large retail project and within which very few, if any, other businesses will be open past midnight. As such, there will actually be more availability for parking and traffic containment after midnight than before.
- This request for extended hours is to service patrons only. Delivery, waste collection, and similar commercial traffic will not occur between the hours of 12:00 midnight and 5:00 a.m.
- Tin Lizzy's has a strict policy against loitering, solicitation, and disorderly conduct. Rules consistent with the provisions of the Greenville Code of Ordinances will be posted in conspicuous locations and shall be enforced by the proprietors.
- Any exterior sound amplification will be directed inward toward the facility and away from any adjoining use or public property. There will be no exterior sound amplification in prohibited areas or between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
- There are no drive-through facilities
- Exterior doors will remain closed except to provide ingress and egress between the hours of 10:00 p.m. and closing (midnight Sun – Thurs. and 2:00 a.m. on Fri and Sat.)

- Applicant understands that the conditional use or special exception permit is limited to the applicant and shall not be transferrable. Applicant understands that a copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
- The restaurant will not obstruct the movement of pedestrians along adjoining sidewalks, or through other areas intended for public usage, ingress, or egress.

2. Describe the ways in which the infrastructure (roads, potable water, sewerage, schools, parks, police, fire, and emergency facilities) capacity is adequate to serve the proposed conditional use.

This restaurant is part of the larger retail development, Magnolia Park. The infrastructure at Magnolia Park is designed for full capacity of all tenants. Most tenants will be closed after midnight. As such, the current infrastructure is more than adequate to service the proposed extended the hours of this restaurant to 2 am two days per week.

ZONING COMPLIANCE APPLICATION
ADDENDUM – FORTY ONE, INC. DBA TIN LIZZY’S CANTINA

Operating Plan

1. Type of Use: Restaurant
2. Hours: Sun – Thurs: 11 am – MIDNIGHT
Fri & Sat: 11 am – 2 am
3. Staffing Schedule: Sun – Thurs: 8 am – kitchen staff, 9:30 am serving staff through 1 am
4. Fri & Sat: 8 am – kitchen staff, 9:30 am serving staff through 3 am
Kitchen Equipment Schedule – See Attached
5. Menu and Hours of Food Service – See Attached Menu. Hours of Food Service are same as Hours of Operation at #2
6. Parking for Customers and Employees: Parking is provided through Magnolia Park for the entire center including Tin Lizzy’s
7. Designated Smoking Area: None
8. Type of Entertainment and Duration: If any entertainment, it would be on Thurs., Fri., Sat. or Sun. Any entertainment would last 3 – 4 hours. Would be solo act with an acoustic guitar at most.
9. Closing / “Last Call” Procedures: Guests are notified an hour before closing for last call.

Security Procedures

1. Number and Type of Designated Security Staff: As needed in addition to security plan for Magnolia Park
2. Training / Certification of Staff: All employees attend corporate food service training. Any personnel involved in the sale of alcoholic beverages also obtains responsible alcohol sales and service training.
3. Specific Duties / Responsibilities of Staff: Standard restaurant duties and responsibilities that include preparation of the restaurant for guests, service of food and beverage.
4. Entry / Exit / Re-Entry Procedures: Patrons enter through the front door. This is a restaurant, there are no restrictions on entry, exit or re-entry.
5. Crowd Management: There is generally no issue with crowd management as the facilities are designed to hold the anticipated guests. On special dates like Cinco de Mayo, the restaurant has additional staffing and security as necessary for crowd control.
6. Crime Prevention through Environmental Design (CPTED): Natural surveillance is achieved by the restaurant’s design that allows staff and management engaged in their normal activities to easily observe the spaces around them. This is aided by lighting and an open floor plan. The exterior of the restaurant is part of an existing center and, as such, there is no landscaping or fencing that blocks views of the restaurant from the exterior. In addition, because there are only 2 primary entrance points which are both located in high volume areas, there is access control to discourage unwanted access.

Seating Plan

1. Scaled Floor Plan by registered South Carolina architect attached.
2. Schedule a feasibility inspection of the property: 864.467.4457 – Done.

Business Plan

1. Business Plan Summary: Target Audience, Theme, Objectives / Goals: Tin Lizzy's is a unique taqueria with service rooted in genuine hospitality. The target audience is professionals for the lunch or after work experience as well as a neighborhood gathering spot for casual but delicious food in a friendly involvement. The theme is FlexMex. FlexMex is similar to Tex-mex, but with a little more flair. It is influenced by many cultures and represents an attitude or experience that evokes a feeling of belonging and quality. The goal is to be the popular "go to" spot for locals and visitors alike as a place to relax and enjoy a great casual meal.
2. Projected Revenue: % Alcohol Vs. Food Sales – 35% Alcohol vs. 65% Food Sales
3. Fees For Entry / Membership / Entertainment: None
4. Status Of City Business License Application: Submitted and Pending
5. Status Of SCDHEC 'Retail Food Establishment' Permit: Submitted and Pending
6. Status Of Abl-901 Application To SC Department Of Revenue: Submitted and Pending
7. Provide Documentation That Sled Requirements Have Been Met: See Attached

GENERAL CONTRACTOR SHALL VERIFY NUMBER OF SEATING CAPACITY SIGNS REQUIRED AND THEIR LOCATION WITH THE LOCAL AUTHORITY HAVING JURISDICTION. GENERAL CONTRACTOR SHALL ORDER THESE SIGNS. GENERAL CONTRACTOR SHALL INSTALL AND MAINTAIN ALL TURNING SIGNS, SETTING ALL TABLE LEVEL. CONTRACTOR SHALL REMOVE ALL STOPS AND TAGS LEaving FROM ALL MATERIALS PRIOR TO PAINTING OR STAINING. JOINTS BETWEEN SUPPLIER SUPPLIED CASEWORK (INCLUDING DOORS) SHALL BE ADHESIVELY BOND TOGETHER USING A MATCHING ADHESIVE. ALL ADJACENT MATERIALS STAINED OR PAINTED TO MATCH. UNLESS SPECIFICALLY OBTAINED OTHERWISE, GLASS, SILENECE BACK OF HOUSE AREAS, COVE BASE IN KITCHEN, RESTROOMS AND THE DINING AREAS, COVE BASE IN HITCHEN, RESTROOMS AND THE DINING AREAS, BOOTH SEATING AT WALLS, TABLES AT BOOTH, BOOTH SEATING AT ALL ADJACENT SURFACES AND ALL RECEPTION AREA, SHALL BE PAINTED TO MATCH.

DINING SEATING SUMMARY					
	TYPE	TOPS		SEATS	
		QTY	%	QTY	%
4	TOP TABLE	17	68.0%	68	83.0%
6	TOP BOOTH	4	16.0%	24	22.2%
4	TOP BOOTH	4	16.0%	16	14.8%
	TOTAL	25	100%	108	100%

BAR DINING SEATING SUMMARY				
TYPE	TOPS		SEATS	
	QTY	%	QTY	%
1 BAR STOOL	25	69.4%	25	42.4%
2 TOP TABLE	5	13.9%	10	16.9%
4 TOP BOOTH	6	16.7%	24	40.7%
TOTAL	36	100%	59	100%

PATIO SEATING SUMMARY				
TYPE	TOPS		SEATS	
	QTY	%	QTY	%
4 TOP TABLE	7	100.0%	28	100.0%
TOTAL	7	100%	28	100%

DP3 ARCHITECTS, LTD.
211 East Broad Street Greenville, SC 29601
T. 864.232.6200 F. 864.232.7587
www.DP3architects.com

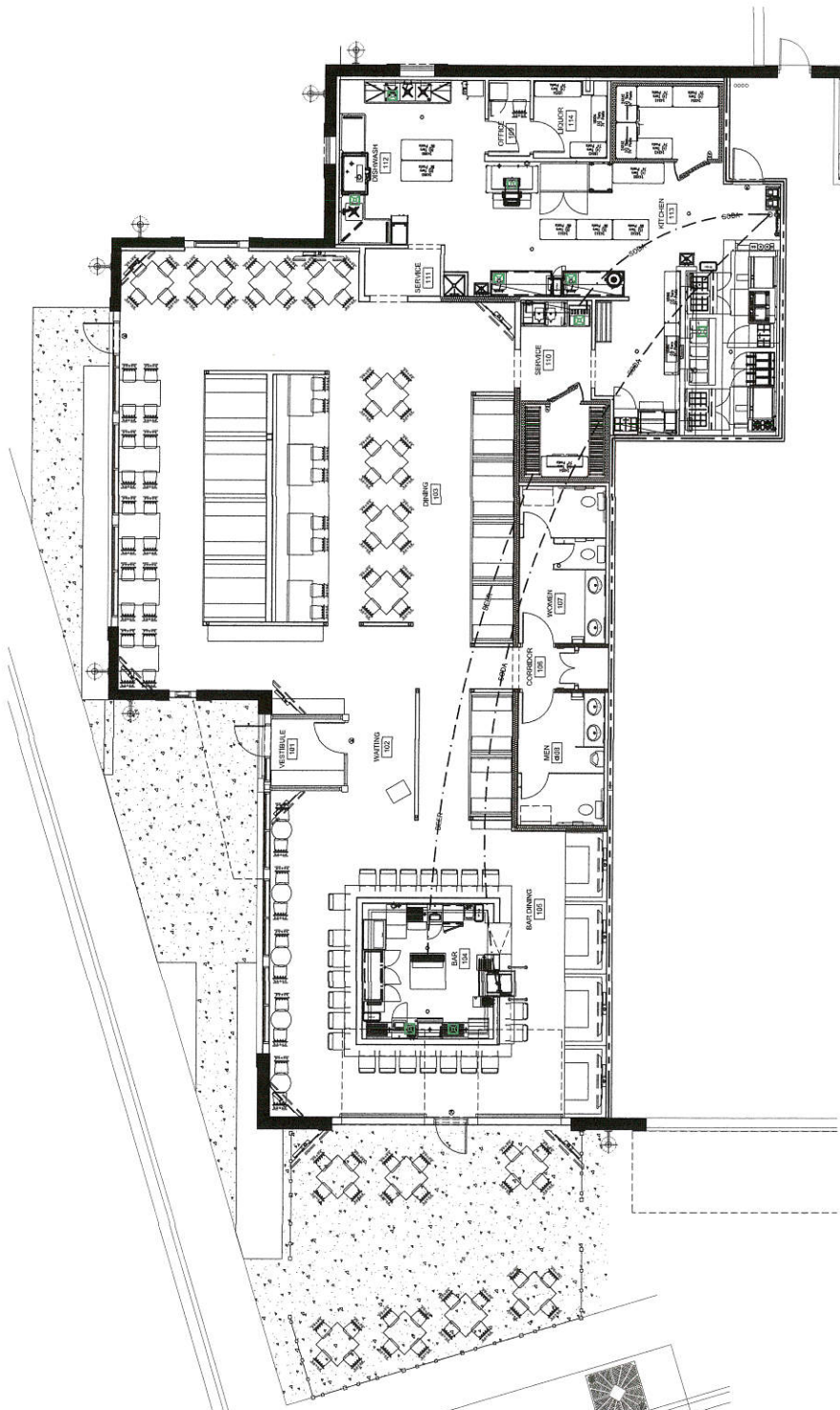


Project Number	15238
Drawn By	CMC
Checked By	BST
Date	18 Dec 2015

OWNER REVISIONS

Drawing
Furniture and
Equipment Plan

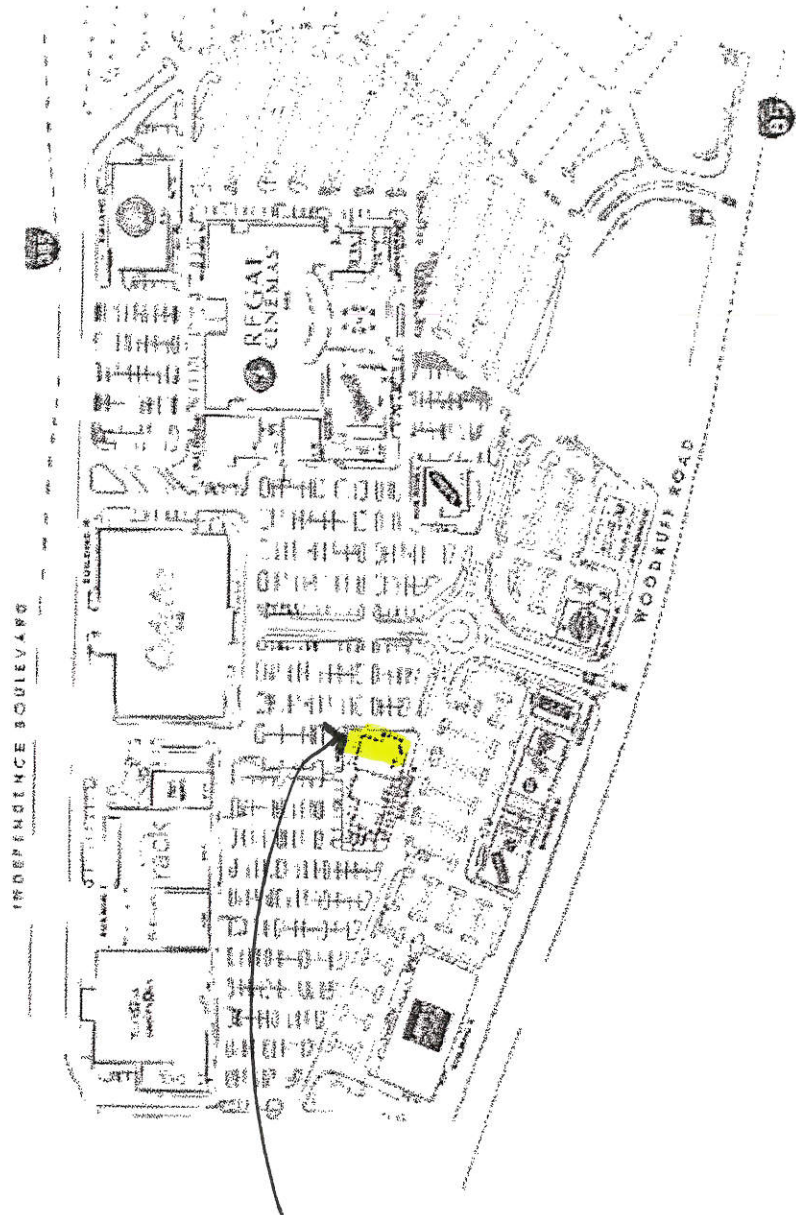
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FURNITURE AND EQUIPMENT PLAN
3/18/2010

Exhibit A

Attach Site Plan



Tin Lizzy's
Cantina